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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,358	07/27/2001	David B. Loeper	D5009-00028	9160

7590

03/02/2006

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EXAMINER

KYLE, CHARLES R

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 03/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/916,358	Applicant(s) LOEPER, DAVID B.	
	Examiner Charles Kyle	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/5/02, 7/29/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,021,397 *Jones et al* in view of *Evaluation of Value-at-Risk Models Using Historical Data*, hereinafter, *Hendricks*.

As to Claim 1, *Jones* discloses the invention substantially as claimed as in a method for evaluating financial plans (Abstract) the steps of:

Receiving from a user financial plan information, comprising a predetermined initial value of an investment (Col. 18, lines 27-29), at least one predetermined contribution amount at a predetermined contribution time (Col. 18, line 21 and Col. 18, lines 43-48), at least one predetermined withdrawal amount at a predetermined withdrawal time subsequent to the predetermined contribution time (Col. 22, lines 56-60) and a plan duration (Col. 17, line 36-43 and Col. 18, lines 27-28);

Presenting calculated investment values using results of said steps (Col. 20, lines 7-30).

Jones does not specifically disclose the detail of simulating historical performance of a portfolio to analyze financial plans. *Hendricks* discloses the limitations of iteratively calculating changes of an initial investment based on randomly selected historical intervals for at least four

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intervals at pages 43 to 51, at least. See particularly page 45, “Data and Simulation Methodology”. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the financial plan analysis of *Jones* with the historical analysis of *Hendricks* because of the improved performance resulting from this historical approach. While investors are frequently told that “Past performance is no guarantee of future results”, such historical data would provide an informed basis for modeling of the future performance of financial plans.

Additionally, the steps of receiving and allowing for initial investment, contributions and withdrawals cannot confer patentability because they are similar to those of another well-known financial activity, balancing a checkbook at the end of the month and are an obvious function to accurately track investment account balance.

Concerning Claims 2, 9 and 15, *Jones* et al disclose the presentation of results at Col. 4, lines 24-34 and Col. 11, lines 7-10.

Regarding Claims 3, 10 and 16, *Jones* discloses multiple asset categories and distinct historical data at Fig. 4 and Col. 12, line 54 to Col. 13, line 41.

As to Claims 4, 11 and 17, comparison of results of calculation to a goal would be obvious to assess performance of the modeled financial plan.

Concerning Claims 5, 12 and 18, *Jones* discloses adjustment for taxes at Fig. 3 and Col. 8, lines 1-13

With respect to Claims 6, 13 and 19, *Jones* et al teach the entry of initial investment values and allocation to asset categories at Col. 5, line 50 to Col. 7, line 10.

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Concerning Claim 7, *Hendricks* discloses at least twenty iterations (1000) at page 45, "Data and Simulation Methodology", step 5.

As to Claims 8 and 14, see the discussion of Claim 1; *Jones* discloses system and storage media at Col. 4, line 60 to Col. 5, line 49.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Kyle whose telephone number is (571) 272-6746. The examiner can normally be reached on 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

crk
October 18, 2005

Primary Examiner
Charles Kyle
Art Unit 3624

